

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. C 07-2978 MHP (pr)

JIMMY LEE MILES,

ORDER OF TRANSFER

Petitioner,

v.

D. SISTO, warden,

Respondent.

Petitioner has filed a petition for writ of habeas corpus to challenge the denial of parole suitability. Petitioner is incarcerated, and apparently had his parole suitability hearing, at the California State Prison - Solano in Solano County. Solano County is within the venue of the Eastern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence, such as a parole denial claim. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Because petitioner is confined in the Eastern District of California and challenging the execution of his sentence, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this action is TRANSFERRED to the United States District Court for the Eastern District of California. The clerk shall transfer this matter forthwith.

IT IS SO ORDERED.

DATED: July 3, 2007


Marilyn Hall Patel
United States District Judge